

P 051627Z APR 89
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC PRIORITY 9683
INFO AMCONSUL KADUNA
AMEMBASSY LONDON
AMEMBASSY PARIS

C O N F I D E N T I A L LAGOS 05283

LONDON FOR KOLKER

PARIS FOR FENDRICK

E.O. 12356: DECL:OADR
TAGS: [PGOV](#) [NI](#)
SUBJECT: NIGERIA: SILENCE ON THE SHARIA DEBATE

REFS: (A) 1988 LAGOS 17683, (B) LAGOS 4990,
(C) LAGOS 5179, (D) LAGOS 5220

11. CONFIDENTIAL - ENTIRE TEXT.

12. SUMMARY: THE DEBATE OVER INCLUSION OF SHARIA LAW PROVISIONS IN THE DRAFT CONSTITUTION REMAINS THE MOST DIVISIVE ISSUE IN THE RUN-UP TOWARD LIFTING THE BAN ON POLITICAL ACTIVITY. THE ARMED FORCES RULING COUNCIL (AFRC) ANNOUNCED ON MARCH 29 THAT PROVISIONS ON SHARIA LAW MUST BE INCLUDED IN THE CONSTITUTION BEFORE THE AFRC WOULD ACCEPT IT FOR REVIEW (REF B). THE SURPRISE ANNOUNCEMENT REOPENED THE DEBATE IN THE CONSTITUENT ASSEMBLY AFTER THE AFRC HAD PUT A STOP TO THE POLITICAL WRANGLING OVER THE ISSUE IN NOVEMBER 1988 (REF A). HOWEVER, THE AFRC ANNOUNCED THAT THE CONSTITUENT ASSEMBLY MUST STILL SUBMIT THE COMPLETED DRAFT CONSTITUTION ON TIME--TODAY, APRIL 5--BUT THE PRESS IS CONSPICUOUSLY SILENT ON THE ISSUE. END SUMMARY.

13. THE ANNOUNCEMENT THAT LANGUAGE ON SHARIA LAW MUST BE INCLUDED IN THE DRAFT CONSTITUTION HAS CAUSED WIDESPREAD CONFUSION IN THE CONSTITUENT ASSEMBLY. ACCORDING TO PRESS REPORTS, CHAIRMAN OF THE CONSTITUENT ASSEMBLY JUSTICE ANTHONY ANIAGOLU HAD UPHELD THE ASSEMBLY'S MAJORITY RULING ON APRIL 1 THAT THE DRAFT CONSTITUTION BE SUBMITTED TO THE AFRC IN TWO SEPARATE PARTS: ONE INCLUDING THE AGREED-ON CLAUSES, AND A SECOND SETTING FORTH THE "UNDEBATED CLAUSES," INCLUDING SHARIA. AFTER THE APRIL 1 ASSEMBLY SESSION, PRESS REPORTS CONTINUE, NORTHERN MEMBERS "LAY AMBUSH" ON CHAIRMAN ANIAGOLU AS HE LEFT THE ASSEMBLY TO PROTEST HIS DECISION. SEVERAL MEMBERS FROM THE EAST REPORTEDLY STEPPED IN TO PROTECT THE CHAIRMAN, ENDING THE INCIDENT.

14. IN A PRIVATE MEETING WITH AMBASSADOR LYMAN ON APRIL 4, SECRETARY TO THE FEDERAL MILITARY GOVERNMENT (FMG) CHIEF OLU FALAE (PROTECT - REF D) COMPLAINED THAT CHIEF OF GENERAL STAFF VICE ADMIRAL AIKHOMU HAD MISMANAGED THE ISSUE; AIKHOMU'S DECISION TO INSTRUCT THE CONSTITUENT ASSEMBLY TO REINSTATE THE SHARIA CLAUSES IN THE DRAFT CONSTITUTION HAD BEEN MADE IN FALAE'S ABSENCE. FALAE STATED THAT AIKHOMU LACKS POLITICAL SENSITIVITY TOWARD THE ISSUE AND MISUNDERSTOOD THE IMPLICATIONS OF RE-INTRODUCING THE DEBATE IN THE CONSTITUENT ASSEMBLY--THE SHARPENING OF RELIGIOUS RIVALRY BETWEEN MUSLIMS AND CHRISTIANS.

15. COMMENT: THE AFRC'S MARCH 29 ANNOUNCEMENT THAT THE SHARIA CLAUSES MUST BE INCLUDED IN THE DRAFT CONSTITUTION HAS BEEN INTERPRETED BY SOME OF OUR CONTACTS AND IN PARTS OF THE PRESS AS A DELIBERATE ATTEMPT TO STALL SUBMISSION OF THE DOCUMENT AND THUS POSTPONE LIFTING THE BAN ON POLITICAL ACTIVITY. HOWEVER, THE AFRC'S INSISTENCE THAT THE DRAFT CONSTITUTION BE SUBMITTED ON TIME DESPITE THE REINTRODUCTION OF THE CONTENTIOUS SHARIA ISSUE LENDS CREDENCE TO FALAE'S ALLEGATIONS OF FMG MISMANAGEMENT OF THE ISSUE. THE FACT THAT THE NORMALLY VOCAL PRESS WAS TOTALLY SILENT ON THE ISSUE TODAY--UNWILLING TO EVEN SPECULATE ABOUT THE OUTCOME--AND THAT BABANGIDA IS

REPORTEDLY IN ABUJA, DEMONSTRATES THAT THE FINAL
DECISION ON WHETHER OR NOT THE SHARIA CLAUSES WILL BE IN
THE DRAFT CONSTITUTION IS STILL UP FOR GRABS OR THAT A
COMPROMISE COULD BE WORKED OUT AT THE LAST MINUTE.

LYMAN